IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 36144 of 1998

DATED: 12.12.2006

Between:
Y.Pullaiah and ors **petitioners**

And

The Chief Engineer (O &M) V stage,
Kothagudem Thermal Power Station
Paloncha, Khamma dist and another **Respondents**

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 36144 OF 1998

ORAL ORDER:

This writ petition is filed questioning the action of the respondents in not absorbing the petitioners and for a consequential direction to the respondents to absorb them in terms of B.P.Ms.No. 272 dated 31.12.1997.

Today when the matter is taken up, learned standing counsel for respondent-APGENCO submitted that the petitioners seeks the relief of absorption in the present writ petition and in terms of the judgment of the Apex Court in **Steel Authority of India Limited Vs. National Water Front Workers**[1] the writ petition is not maintainable and the petitioners have to adjudicate their case before the concerned Labour Court. It is also submitted that batch of writ petitions were disposed of by this Court following the judgment of the Apex Court in **Steel Authority** case.

Heard the learned counsel for petitioners and learned Standing Counsel for respondents.

A learned Single Judge of this Court by common order dated 8.9.2003 in W.P. Nos. 379 of 2000 and batch, following the judgment of the Apex Court in **Steel Authority** case disposed of the writ petitions permitting the petitioners to raise dispute before the Labour Court/Industrial Tribunal. Thereafter similar batches of writ petitions were also disposed of following the judgment in Steel Authority case. This Court also following the decision of the apex Court in Steel Authority, by order dated 5.2.2003 disposed of similar writ petition in W.P.

No. 21719 of 2003, with the following directions:

> "In view of the judgment of the Supreme Court in Steel Authority of India's case (supra), I am not inclined to go into the merits of the matter. However, the petitioners are permitted to raise an industrial dispute before the Industrial Tribunal having jurisdiction as regards their entitlement for absorption or appointment under various orders issued by the respondent-organization and the Government and also in the light of B.P.Ms.No.272 dated 31.12.1997. In view of the fact that the petitioners are out of employment since, 1999, if the petitioners file any industrial dispute, the same shall be disposed of within five months from the date of such filing".

Since in the instant case also, the petitioners are seeking regularization, which requires adjudication of disputed questions of fact, following the judgment of the Apex Court in **Steel Authority** case,

I deem it appropriate to dispose of this writ petition also with the following directions:

The petitioner may approach the competent Labour Court having jurisdiction for the relief of absorption/regularization, and if the petitioners file appropriate petitions, the Labour Court concerned, shall adjudicate and dispose of the same expeditiously.

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N.V.RAMANA,J

DATE: 12.12.2006
TVK

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[1] 2001 (6) ALD 1